

Message Text

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ORIGIN STR-04

INFO OCT-01 EUR-12 IO-13 ISO-00 AID-05 CEA-01 CIAE-00

COME-00 EB-07 FRB-03 INR-07 NSAE-00 CIEP-01 SP-02

TRSE-00 LAB-04 SIL-01 SAM-01 OMB-01 L-03 /066 R

DRAFTED BY STR:MPOMERANZ:JT 395-6166 4/15/76

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OFPP:LHAUGH

TREASURY:JSCHOTT

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FM SECSTATE WASHDC

TO USDEL MTN GENEVA PRIORITY

INFO USMISSION EC BRUSSELS

USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS:ETRD, MTN, EC

SUBJECT:U.S. - EC BILATERAL ON GOVERNMENT PURCHASING

1. FOLLOWING IS FIRST OF A SERIES OF PAPERS ON OUTSTANDING
ISSUES IN PROCUREMENT CODE NEGOTIATION. THESE PAPERS ARE
BACK-UP TO DRAFT POSITION PAPER SENT SEPTTEL FOR YOUR
COMMENTS:

SINGLE TENDERING

2. U.S. POSITION

WE BELIEVE THAT THE EFFICIENT OPERATION OF A GOVERNMENT
PROCUREMENT SYSTEM REQUIRES THE ABILITY TO GO TO A SINGLE
SUPPLIER ONLY IN THE RELATIVELY FEW INSTANCES WHERE IT
IS ABSOLUTELY REQUIRED. THE U.S. HOLDS THAT THE UNBRACKET-
ED LANGUAGE IN THE FIRST FOUR SUB-PARAGRAPHS OF PARAGRAPH
14 OF THE DRAFT CODE PROVIDE THE LIMITS FOR RECOURSE TO
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SINGLE TENDERING.

3. E.C. POSITION

THE COMMUNITY HAS ACCEPTED THE FIRST FOUR SUB-PARAGRAPHS BUT IS SEEKING TO BROADEN THE FIRST AND THE THIRD IN WAYS WE ARE NOT PREPARED TO ACCEPT (E.G. ALLOWING SINGLE TENDERING SOLELY FOR PURPOSES OF OBTAINING STANDARDIZATION).

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SUBPARAGRAPHS 5 AND 6 ARE LARGELY GERMAN AND BRITISH ATTEMPTS TO USE SINGLE TENDERING IN PURSUIT OF INDUSTRIAL POLICY OBJECTIVES. SUBPARAGRAPH 7 HAS LONG BEEN IN THE DRAFT EC INTERNAL DIRECTIVE AND THE COMMISSION HAS STILL NOT PROVIDED A RATIONALE FOR IT.

4. POSSIBLE SOLUTION

SOME TIME AGO, THE EC COMMISSION ASSURED THE U.S. THAT MUCH OF THE PROBLEM PRESENTED HERE WOULD BE LESSENED AFTER COMMUNITY INTERNAL FOCUS ON THE ISSUE. WE ARE STILL WAITING. U.S. IS WILLING TO ENTERTAIN ANY SUGGESTIONS FOR NEW BASES FOR RESORT TO SINGLE TENDERING THAT TRULY ARE NECESSARY FOR THE EFFICIENT OPERATION OF A GOVERNMENT PROCUREMENT SYSTEM AND NOT ATTEMPTS TO AVOID COMPETITIVE PROCEDURES. KISSINGER

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Message Attributes

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